

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GBEKE MICHAEL AWALA : CIVIL ACTION
v. :
ILANA H. EISENSTEIN, et al. : NO. 07-4579

M E M O R A N D U M

BUCKWALTER, J.

NOVEMBER 8, 2007

Plaintiff, an inmate at the U.S. Penitentiary Canaan, Waymart, Pa., is seeking to bring a civil action without prepayment of fees, alleging violations of his constitutional rights arising from his criminal prosecution.

Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

Plaintiff has, prior to the instant action, filed numerous civil actions in this court and other federal courts, which were dismissed as frivolous or for failure to state a claim upon which relief may be granted.¹ Furthermore, nothing in this

1. Civil Action No. 05-2923 was dismissed as frivolous by order of this Court dated June 29, 2005, and plaintiff's appeal to the Third Circuit Court of Appeals, No. 05-3381, was dismissed as frivolous by order dated January 10, 2006. Other examples of

(continued...)

complaint suggests that plaintiff was in imminent danger of serious physical injury at the time that the complaint was filed.

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied. An appropriate order follows.

1. (...continued)
cases that were dismissed as frivolous or for failure to state a claim upon which relief may be granted are as follows: Awala v. New Jersey Dep't of Corr., No. 05-4899 (3d Cir. Jan. 31, 2007); and Awala v. Regional Office Bureau of Prisons, No. 05-5169 (3d Cir. June 5, 2006).

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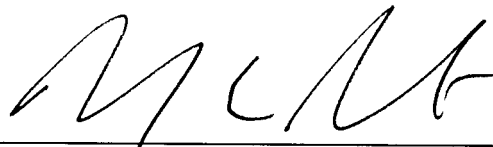
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	:	
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O R D E R

AND NOW, this 9 day of November, 2007, in
accordance with the accompanying memorandum, **IT IS HEREBY ORDERED**
that plaintiff's motion for leave to proceed in forma pauperis is
DENIED pursuant to 28 U.S.C. § 1915(g).

The Clerk of Court shall **CLOSE** this case statistically.

BY THE COURT:



RONALD L. BUCKWALTER, J.